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June 3, 2021

Via ECF

Honorable Edgardo Ramos
United States District Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Neil Cole*,
19 Cr. 869 (ER)

Dear Judge Ramos:

On behalf of Neil Cole, we oppose the government's request to adjourn the July 6 trial date in this case. Any further delay is unwarranted and further prejudices Mr. Cole's right to a speedy trial.

Trial in this matter was initially scheduled for May 11, 2020. That date was adjourned as a result of the COVID-19 pandemic and for many months thereafter no new trial date was set. On August 11, 2020, the Court set a new control date of February 8, 2021. On January 5, 2021, that date also was adjourned. On March 1, 2021, the Court informed the parties that a trial date had not been assigned and that a trial date in the third quarter of 2021 would be requested. Accordingly, all concerned recognized that a July trial date was possible. On June 1, the Court informed the parties that a July 6, 2021 trial date had been assigned.

The fact that two of the three members of the prosecution team have a separate trial scheduled to begin on June 14 is not a proper basis for adjournment. The government has had an extensive period of time to prepare for trial, including nearly 18 months since the indictment was unsealed and more than three months since the Court

Honorable Edgardo Ramos

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informed the parties that it would request a trial date in the third quarter of this year. The government was fully aware that trial could be scheduled for July. The defense understood this possibility as well and prepared accordingly.

Further delay of the trial date would prejudice Mr. Cole and his right to a speedy trial. This case involves events that took place almost eight years ago and more than a year has passed since trial was originally scheduled. Any further fading of recollections, increased staleness of the evidence and inability of the defense to make effective use of discovery materials due to the passage of time will impose significant additional prejudice on Mr. Cole. The interests of justice require that Mr. Cole be afforded the soonest possible trial date.¹

Accordingly, we respectfully request that the government's request for an adjournment be denied.

Respectfully submitted,

/s/ Lorin L. Reisner

Lorin L. Reisner

Richard C. Tarlowe

cc: Counsel of Record (by ECF)

¹ The government's assertion that its case in chief will "last up to four weeks" is inconsistent with the government's prior estimate that "the government's case would be about two weeks." *See* Pretrial Conf. Tr. 12/10/2019 at 6:9–10. The government's characterization of this case involving "conduct that took place over several years" ignores that the charges are limited to conduct in three discrete quarters.